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for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ALAN AND JANET WINTERS FAMILY
PARTNERSHIP LTD.;

WINTERS MANAGEMENT TRUST, in its
capacity as the GENERAL PARTNER of the

Adv. Pro. No. 10-04808 (SMB)

ALAN AND JANET WINTERS FAMILY
PARTNERSHIP LTD.;

ALAN WINTERS, in his capacity as TRUSTEE of
the WINTERS MANAGEMENT TRUST and
INDIVIDUALLY as SUBSEQUENT
TRANSFeree; and

JANET WINTERS, in her capacity as TRUSTEE
of the WINTERS MANAGEMENT TRUST and
INDIVIDUALLY as SUBSEQUENT
TRANSFeree,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL OF
ADVERSARY PROCEEDING WITHOUT PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et. seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), by and through his counsel, Baker & Hostetler LLP, and defendants Alan and Janet Winters Family Partnership Ltd., Winters Management Trust, Alan Winters, and Janet Winters (“Defendants” and with the Trustee, the “Parties”, by and through their counsel, Bernfeld, DeMatteo & Bernfeld LLP, hereby stipulate and agree as follows:

1. On December 1, 2010, the Trustee commenced this adversary proceeding against Defendants.

2. On May 15, 2015, the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [ECF No. 3181] (the “Settlement Agreement”).

3. Under the Settlement Agreement, Defendants will make installment payments to the Trustee and have executed a Stipulation for Entry of Judgment, as security for the installment

payments, which will be held in escrow by Trustee and not filed unless there is a default in the installment payments which remains uncured ten (10) business days after notice of default to Defendants and their counsel.

4. On June 1, 2015, Defendants caused to be made the First Installment Payment as set forth in Section 4 of the Settlement Agreement.

5. In accordance with Federal Rule of Bankruptcy Procedure 7041, and Federal Rule of Civil Procedure 41(a)(1)(ii), the Parties hereby stipulate to a dismissal without prejudice and without costs of the Trustee's claims against Defendants in the above-captioned adversary proceeding and dismissing the adversary proceeding, subject to the right of Trustee to move *ex parte* to re-open this adversary proceeding in the event of an uncured default in the installment payments to seek entry of judgment pursuant to the Stipulation for Entry of Judgment.

6. Upon all payments being made by the Defendants as set forth in Section 4 of the Settlement Agreement, this adversary proceeding shall be deemed dismissed with prejudice and without costs without any further action being required to be taken by Trustee or Defendants.

7. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

8. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

9. The Bankruptcy Court shall retain jurisdiction over this Stipulation and Order.

Dated: July 22, 2015

BAKER & HOSTETLER LLP

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*Attorneys for Defendants Alan and Janet Winters Family
Partnership Ltd., Winters Management Trust, Alan
Winters, and Janet Winters*

SO ORDERED

Dated: July 22nd, 2015
New York, New York

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE